

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

## PHYTELLIGENCE, INC.,

No. C18-405 RSM

Plaintiff,

STIPULATED MOTION AND  
ORDER EXTENDING DISCOVERY  
DEADLINE FOR DEPOSITIONS  
AND EXTENDING DEADLINES  
FOR DISCOVERY AND  
DISPOSITIVE MOTIONS

## WASHINGTON STATE UNIVERSITY,

Defendant.

Plaintiff Phytelligence, Inc. (“Phytelligence”) and Defendant Washington State University (“WSU”), by and through their counsel of record, state and stipulate as follows:

## BACKGROUND

1. The parties plan to take 16 additional depositions (13 individuals and three entities pursuant to Rule 30(b)(6)). In order to accommodate the schedules of witnesses and counsel, the parties believe that an extension of the discovery period, by 18 days, from April 1, 2019, to April 19, 2019, is necessary. The extension shall apply only to depositions of the 16 witnesses identified.

2. WSU has also requested an additional two days to prepare and file additional dispositive motions, from Tuesday, April 30, 2019, to Thursday, May 2, 2019. Because this extension will not affect the noting date for dispositive motions, Phytelligence is willing to

agree to such an extension, subject to its position that no such additional motion by WSU is permissible without prior leave of this Court

3. Phytelligence is currently in discussions with several third parties to whom it has directed subpoenas regarding compliance with those subpoenas, and wishes to have additional time in which to resolve those compliance issues before it must file motions to compel compliance with the subpoenas. The parties therefore wish and believe good cause exists to extend the deadline for filing motions related to discovery pertaining to compliance with subpoenas issued by Phytelligence by six days, from Friday, March 1, 2019 to Thursday, March 7, 2019. Again, this extension will not affect the noting date for motions related to discovery.

4. None of these requested extensions will require any change to the trial date.

5. The parties reserve all rights to oppose any motions related to discovery or dispositive motions on any basis.

## STIPULATED MOTION

Based on the above background, the parties stipulate and respectfully request that the Court order as follows:

1. The discovery completion deadline is extended from April 1, 2019 to April 19, 2019, for the sole purpose of taking depositions of deponents that the parties have identified to each other prior to the filing of this stipulation.

2. The deadline for filing motions related to discovery is extended from Friday, March 1, 2019 until Thursday, March 7, 2019. Any such motions shall be noted for consideration pursuant to LCR 7(d)(3).

3. The deadline for filing dispositive motions is extended from Tuesday, April 30, 2019, to Thursday, May 2, 2019. Any such motion shall be noted on the motion calendar no later than the fourth Friday thereafter pursuant to LCR 7(d)(3).

1 DATED this 1<sup>st</sup> day of March, 2019.

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State University

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19 PURSUANT TO STIPULATION, IT IS SO ORDERED this 8th day of March 2019.

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21  
22 RICARDO S. MARTINEZ  
23 CHIEF UNITED STATES DISTRICT JUDGE  
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